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August 28, 2023

Andrew Salas
Tribal Chairman
Gabrieleño Band of Mission Indians – Kizh Nation
PO Box 393
Covina, CA 91723

RE: AB 52 Notification of Closure of Consultation
Mirabel Transit Priority Project
5411 Wilshire Boulevard (ENV-2019-3937-EIR)

Dear Chairman Salas:

Thank you for taking the time to consult with us regarding the Maribel Transit Priority Project. We recognize that the AB 52 consultation process requires on-going collaboration between the City and sovereign Tribal governments, including the Gabrieleño Band of Mission Indians – Kizh Nation, and very much appreciate the Tribe's dedication to continued conversations and collaboration with the City regarding this Project. The purpose of this correspondence is to briefly summarize our combined efforts to engage in a meaningful and good faith consultation regarding this Project's potential impacts to tribal cultural resources and to document the conclusion of the tribal consultation process, pursuant to Public Resources Code Section 21080.3.2. The following provides a brief summary of the history of tribal consultation regarding this project:

On March 30, 2022, the City mailed a project notification letter to the Gabrieleño Band of Mission Indians – Kizh Nation (Tribe). On May 6, 2022, the City received the Tribe's request for tribal consultation and responded to the Tribe the same day requesting a consultation meeting. Consultation was ultimately scheduled for September 29, 2022

The Tribal consultation process commenced on September 29, 2022, with a conference call between representatives of the Department of City Planning and the Tribe. Prior to the discussion, both the City and Tribe agreed that consultation for the Proposed Project could begin during this conference call.

During the conference call the Tribe shared a wealth of knowledge about the Tribe's History in the area and its relation to the Project Site. The Project Site is very close to the La Brea Tar Pits a site of significance to the Tribe, as resources such as tar and oil were gathered from the pits and used for a variety of daily activities. The Project Site is also in proximity to a major trade route, two communities, and the burial sites associated with the Tribal communities and uses. The Tribe also shared that a nearby rock formation was similarly of great significance to Tribal activities, but the rock may have been removed during subsequent development. Water resources were also present historically, and were of significance to the Tribe, with a nearby waterway south of the

Project Site, generally paralleling Longwood Avenue south of Wilshire Boulevard, that is now paved over. The Tribe shared that many of these natural resources were central to ceremonies conducted to show appreciation for these natural resources, as well as numerous cultural practices stemming from the products of the tar pits or streams. The natural resources, land formations, landscape, and waterways were identified by the Tribe as resources that generally were significant to the historic ways of life. During the call, the Tribe submitted a map and information related to a nearby Project that the City conducted consultation with the Tribe for and some findings from that Project and analysis. On October 7, 2022, the Tribe submitted a summary of the call, background and history on the Site, and a request the City adopt an attached Mitigation Measure.

The City shared general project information, including proposed excavation activities and existing soil conditions. Accordingly, based on the information the Tribe presented and the excavation detail the City shared, the Tribe requested that a monitor be continuously on site for grading activities during Project construction.

The information gathered during the consultation process has been incorporated into the Initial Study for the Project.

The City has opted to process the Mirabel Transit Priority Project pursuant to PRC Section 21155.2 by preparing a Sustainable Communities Environmental Impact Report (SCEIR). State law requires the SCEIR adopted Mitigation Measures from previous documents that are applicable to the Project. Accordingly, the Project has adopted two mitigation measures (attached to this letter) from the previously certified Housing Element and Safety Element EIR. The City conducted consultation with the Tribe in good faith to gain a deeper knowledge about the Site and Tribal history and has incorporated this information into the Initial Study prepared for the Project. The City's considered past discoveries of Tribal resources, records searches for the Project, and the information gathered from consultation in determining the applicability of mitigation measures required of the Project pursuant to PRC Section 21155.2. Based on PRC Section 21155.2(a) requirements, the City has implemented mitigation measures MM 4.15-1(a-b). The mitigation measures are implemented based on statutory requirements in processing a SCEIR, and not solely based on information in the administrative record.

This closure notice serves to inform the Tribe of the conclusion of consultation, as the Initial Study has determined that, with the incorporation of **MM 4.15-1(a)** and **MM4.15-1(b)**, impacts would be less than significant with mitigation, and no further analysis in an Environmental Impact Report would be required. At the time of the SCEIR Initial Study publication, a subsequent notice will be sent to the Tribe indicating the opening of the 30-day comment period for the Initial Study for this Project. The Tribe is welcome to submit comments on the Initial Study

The conclusion of consultation does not foreclose the ability of the City or Tribe to continue discussions about the Project. We welcome continued communication and meetings with your Tribe and look forward to meeting with you to further discuss the attached Mitigation Measures. Please do not hesitate to contact me if you wish to share any additional information, comments, or concerns prior to the closure of consultation.

Sincerely and Respectfully,


Jason McCrea
City Planner
Department of City Planning – Major Projects

Attachments: Mitigation Measures 4.15-1 (a-b)

Tribal Cultural Resources Mitigation Measures

The Project would implement Mitigation Measures 4.15-1(a) and 4.15-1(b), provided below, to ensure that impacts with respect to Tribal Cultural Resources are less than significant.

MM 4.15-1(a) Native American Consultation and Monitoring for Discretionary Projects

All discretionary projects that involve ground disturbing activities in previously undisturbed soils, shall prepare a cultural resources assessment and do a record search with a study area of no less than 0.5 mile around the project area. Projects conducted in culturally and historically sensitive areas, as determined by a Qualified Archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archaeologist, should include a record search with a study area of no less than 1 mile around the project area.

Notification shall be provided to California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project site and have submitted a written request to the Department of City Planning to be notified of proposed projects in that area. Should projects have potential to impact cultural resources, as determined during the environmental assessment or Tribal consultation, a Cultural Resources Monitoring Program (CRMP) shall be prepared by Qualified Archaeologist, in consultation with all interested Tribes, prior to the commencement of any and all ground-disturbing activities for the Project, including any archaeological testing. The CRMP shall include compliance with 4.15-1(b) and will provide details regarding the process for in-field treatment of inadvertent discoveries and the disposition of inadvertently discovered non-funerary resources and shall be consistent with the treatment of unique archaeological resources in PRC 21083.2.

MM 4.15-1(b) Discovery of Potential Tribal Cultural Resources

In the event that Tribal Cultural Resources are discovered during Project activities, whether or not a tribal monitor is present, and there is no CRMP or the CRMP does not cover treatment of inadvertent discovery, all work within a 50-foot buffer of the find shall cease and a Qualified Archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology shall assess the find. Tribes that are culturally and historically affiliated with the Project area and have requested consultation shall be notified, should any potential tribal cultural resource be discovered during project implementation. Construction personnel shall not collect or move any tribal resources. Construction activity may continue unimpeded on other portions of the project site. Unless agreed otherwise during the tribal consultation process or in a CRMP, if tribal cultural resources are discovered during construction, the applicant and/or owner shall retain a Qualified Tribal Monitor (as approved by the Tribe) if requested by the Tribe. Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, and monitoring reports) should be provided to consulting Tribes. Any tribal cultural resources discovered shall be treated with appropriate dignity and protected and preserved as appropriate with the agreement of the Tribal Representative and in accordance with federal, state, and local guidelines. If not otherwise provided in the CRMP, the Lead Agency and/or applicant shall, in good faith, provide all consulting Tribes the opportunity to consult on the disposition and treatment of resources. The location of the find of tribal cultural resources and the

type and nature of the find will not be published, except to provide information to the Qualified Archaeologist, tribal representatives, and public agencies with jurisdiction or responsibilities related to the resources. An agreement will be reached with the Tribal Representative to mitigate or avoid any significant impacts to identified tribal cultural resources. Absent an agreement with the Tribal Representative, as provided in Public Resources Code Section 21083.2, the find should be preserved in place or left in an undisturbed state unless the Project would damage the resource. When preserving in place or leaving in an undisturbed state is not possible, excavation should not occur until testing or studies prepared by a Qualified Archaeologist have adequately documented the recovery of scientifically consequential information from and about the resource. Construction activity may continue unimpeded on other portions of the project site if cleared by the Qualified Tribal Monitor or Qualified Archaeologist. Ground Disturbance Activities in the area where resources were found may commence once the identified resources are properly assessed and processed by a Tribal Representative or, if no Tribal Representative is identified, a Qualified Archaeologist.

The measure shall be shown on plans.